

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Bernardo Gutierrez	Team: Team # 5	CCRB Case #: 201106250	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/15/2011 9:53 PM, Wednesday, 05/25/2011	Location of Incident: § 87(2)(b)	Precinct: 41	18 Mo. SOL 11/15/2012	EO SOL 11/15/2012	
Date/Time CV Reported Sun, 05/15/2011 11:29 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 05/15/2011 11:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			PBBX
2. POM Ahsan Zafar	03773	949822	PBBX
3. POM Kevin Gall	05618	948994	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Ahsan Zafar	Discourtesy: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	
B.POM Ahsan Zafar	Abuse: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to damage § 87(2)(b)'s property.	
C.POM Ahsan Zafar	Abuse: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to arrest § 87(2)(b)	
D.POM Ahsan Zafar	Abuse: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar frisked § 87(2)(b)	
E.POM Ahsan Zafar	Abuse: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar searched § 87(2)(b)	
F.POM Kevin Gall	Discourtesy: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Kevin Gall spoke obscenely and/or rudely to § 87(2)(b)	
G. Officers	Discourtesy: On May 15, 2011, in front of § 87(2)(b) in the Bronx, officers spoke obscenely and/or rudely to § 87(2)(b)	
H.POM Ahsan Zafar	Abuse: On May 25, 2011, § 87(2)(b) in the Bronx, Officer Ahsan Zafar questioned individuals.	

### Case Summary

§ 87(2)(b) and § 87(2)(b) both called the CCRB by telephone and left messages on the call processing system on May 15, 2011, in regard to the same incident (encl. 7A-7C). § 87(2)(b) and § 87(2)(b) interacted with PO Ahsan Zafar and PO Kevin Gall of Patrol Borough Bronx on May 15, 2011, at approximately 9:53 p.m. at § 87(2)(b) in the Bronx and on May 25, 2011, at approximately 8:30 p.m., at a § 87(2)(b). The following allegations resulted:

- **Allegation A- Discourtesy:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b) § 87(2)(g).
- **Allegation B- Abuse of Authority:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to damage § 87(2)(b)'s property. § 87(2)(g).
- **Allegation C- Abuse of Authority:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to arrest § 87(2)(b) § 87(2)(g).
- **Allegation D- Abuse of Authority:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar frisked § 87(2)(b) § 87(2)(g).
- **Allegation E- Abuse of Authority:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar searched § 87(2)(b) § 87(2)(g).
- **Allegation F- Discourtesy:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Kevin Gall spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g).
- **Allegation G- Discourtesy:** On May 15, 2011, in front of § 87(2)(b) in the Bronx, officers spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g).
- **Allegation H- Abuse of Authority:** On May 25, 2011, in a § 87(2)(b) in the Bronx, Officer Ahsan Zafar questioned individuals. § 87(2)(g).

Mediation was offered and accepted by § 87(2)(b) and § 87(2)(b). An investigation into the incident commenced after two of the subject officers could not be identified.

## Results of Investigation

### Civilian Statements

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) old at the time of the incident, is a Hispanic male with black hair and brown eyes. At the time of the interview, § 87(2)(b) resided at § 87(2)(b)

§ 87(2)(b)  
§ 87(2)(b) in the Bronx. § 87(2)(b)  
§ 87(2)(b)

#### CCRB Testimony

§ 87(2)(b) filed this complaint via the Call Processing System on May 15, 2011 (encl. 7A-7C). § 87(2)(b) provided a telephone statement on May 17, 2011 (encl. 8) and provided a sworn statement on May 26, 2011 (encl. 8A-8F). § 87(2)(g)

On May 15, 2011, at approximately 9:53 p.m., § 87(2)(b) was walking towards his residence at 976 § 87(2)(b) from the § 87(2)(b) number 2 and 5 train station. § 87(2)(b) noticed his child's godmother § 87(2)(b) her brother § 87(2)(b) her nephew § 87(2)(b) and the building's superintendent, § 87(2)(b) standing outside of § 87(2)(b). Two minutes later, two officers, identified by § 87(2)(b) as PO Ahsan Zafar and PO Kevin Gall approached the group. PO Zafar told everyone present to move from the area. § 87(2)(b) explained to PO Zafar that he would move from the area and that he was waiting for his wife, § 87(2)(b) to come downstairs. PO Zafar said, "I don't give a fuck." § 87(2)(b) began to walk up the stairs to enter the residence and PO Zafar asked him to come back down and present his ID.

Addressing the entire group, PO Zafar said, "Everybody get the fuck out." Everyone left the area aside from § 87(2)(b) and § 87(2)(b). PO Zafar also asked § 87(2)(b) for his ID, and he provided it. § 87(2)(b) received a telephone call at this time and he proceeded to answer it. PO Zafar told § 87(2)(b) to hang up the telephone and § 87(2)(b) replied that the call was important, as it pertained to his child. PO Zafar told § 87(2)(b) that he would break his phone if he did not hang up and that he would arrest § 87(2)(b) for disobeying a police officer. § 87(2)(b) asked where he would be taken and PO Zafar said, "Shut the fuck up."

PO Zafar frisked § 87(2)(b) from "head to toe" and placed his hands inside § 87(2)(b) front and back pants pockets. § 87(2)(b) did not mention being frisked or searched in his telephone statement. PO Zafar placed § 87(2)(b) in handcuffs. PO Gall began to check § 87(2)(b) and § 87(2)(b) names for warrants over the radio. § 87(2)(b) told PO Gall that he was not saying his name correctly and PO Gall told him, "Shut the fuck up." PO Zafar called for backup on his radio. Two additional officers arrived on the scene approximately ten minutes after § 87(2)(b) was handcuffed.

§ 87(2)(b) described one of the officers in his sworn statement as a white male with short blond hair, approximately six feet tall, approximately 200 pounds, in his 30's. In his telephone statement he described the same officer as having light brown hair, wearing eyeglasses and being in his 40's. The other officer was described as a Hispanic female with black or brown hair, approximately 5'5" tall, approximately 120 pounds, approximately 25 years old. The investigation was unable to identify these officers.

§ 87(2)(b) told the female officer that many officers in New Jersey were losing their jobs due to misconduct and she told him, "Shut the fuck up." The male officer also told § 87(2)(b) to "Shut the fuck up." The male officer told § 87(2)(b) to tell § 87(2)(b) to "Get the fuck

out” from the front of § 87(2)(b), where she had been standing. § 87(2)(b) left the area after being issued two summonses by PO Gall, one for § 87(2)(b) and another for § 87(2)(b).

On May 25, 2011, at approximately 7:00 p.m., § 87(2)(b) was with § 87(2)(b) § 87(2)(b) and § 87(2)(b) family in a dirt lot where local children go to play soccer, next to § 87(2)(b). PO Zafar, PO Gall and another officer approached the group. § 87(2)(b) described the other officer as a black male, approximately six feet tall, approximately 180 pounds, in his mid-20’s. The investigation did not identify this officer. PO Zafar asked what they were doing there and what they were drinking. § 87(2)(b) responded that they were not drinking anything. The officers then left.

§ 87(2)(b) was called a total of four times between July 27 and August 23, 2011, in order to determine if he would be willing and able to view photographs of the potential unidentified subject officers. Contact was ultimately not made with § 87(2)(b).

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) old at the time of the incident, is a Hispanic male who is 5’9” tall, weighs 155 pounds and has black hair and brown eyes. § 87(2)(b)

**CCRB Testimony**

§ 87(2)(b) filed this complaint with the CCRB via the call processing system on May 15, 2011 (encl. 7A-7C). § 87(2)(b) provided a telephone statement on May 18, 2011 (encl. 10) and provided a sworn statement at the CCRB on May 26, 2011 (encl. 11A-11F). § 87(2)(g)

On May 15, 2011, at approximately 9:53 p.m., § 87(2)(b) and § 87(2)(b) were approached by PO Zafar, who asked them to move from the location. § 87(2)(b) identified the officer as PO Zafar, after § 87(2)(b) later related his name to § 87(2)(b) § 87(2)(b) recognized PO Zafar as having questioned him on an unknown date. § 87(2)(b) moved to the sidewalk and PO Zafar said that he could stand there and walked away. § 87(2)(b) and § 87(2)(b) came downstairs shortly afterwards and stood on the staircase. Approximately 15 minutes later, PO Zafar approached the group with PO Gall. § 87(2)(b) identified PO Gall after reading his name off of his uniform. § 87(2)(b) s friend, § 87(2)(b) was walking approximately twenty feet in front of the officers as they approached. PO Zafar stated that there were too many people outside of the building and said, “Everybody get the fuck out of here.” § 87(2)(b) attempted to relate that he was waiting for § 87(2)(b) to take a taxi and PO Zafar again said, “Everybody get the fuck out of here.” In his telephone statement, § 87(2)(b) only related PO Zafar to have made this statement one time, as opposed to twice in the sworn statement.

§ 87(2)(b) began to walk up the staircase and was called back downstairs by PO Zafar. PO Zafar asked § 87(2)(b) for his ID, which he provided. PO Zafar told § 87(2)(b) that he would break his phone if he did not hang up. § 87(2)(b) asked PO Zafar to wait and that he was speaking to his family. PO Zafar and § 87(2)(b) began to argue and PO Zafar placed § 87(2)(b) § 87(2)(b) in handcuffs. PO Zafar repeatedly told § 87(2)(b) to “shut the fuck up.” PO Gall walked towards § 87(2)(b) and joined in saying, “shut the fuck up.” In his telephone statement § 87(2)(b) alleged that PO Gall frisked and searched him. He did not repeat this allegation in his sworn statement. PO Gall issued § 87(2)(b) a summons for § 87(2)(b)

Two additional officers arrived on foot approximately fifteen minutes after Officers Zafar and Gall had first approached the group. One officer was a Hispanic female with black hair, a light brown skin tone similar to § 87(2)(b) approximately 5’7” tall, in her mid 20’s. The other officer

was a male with black hair, approximately 5'9" tall, with a stocky build, in his 30's. § 87(2)(b) told the female officer that he did not know why PO Zafar had given him a ticket and she said, "I don't give a fuck." § 87(2)(b) stood in the middle of the street and observed as all four of the officers surrounded § 87(2)(b) in a semi-circle and told him, "Shut the fuck up." § 87(2)(b) observed all of the officers make this statement. The officers left and § 87(2)(b) related to § 87(2)(b) that he had been given two summonses. § 87(2)(b) was issued a summons for § 87(2)(b).

On May 25, 2011, at approximately 8:30 p.m., § 87(2)(b) was in a dirt lot located in between § 87(2)(b) § 87(2)(b) related that he was there for his children to play soccer. § 87(2)(b) was accompanied by his wife, his § 87(2)(b) old daughter, his § 87(2)(b)-old son, a stepson, § 87(2)(b) another sister, § 87(2)(b) and § 87(2)(b)'s wife. PO Zafar and PO Gall approached the group, along with another officer, described as a black male, approximately 5'10" tall, with a thin build in his early 20's. This officer was not identified. PO Zafar asked the group if they were drinking alcohol. § 87(2)(b) denied anyone present consuming alcohol. The officers then left.

§ 87(2)(b) was called by telephone a total of ten times between July 27 and September 19, 2011, to view photographs. § 87(2)(b) missed two appointments to view photographs and was not contacted further.

**Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) old at the time of the incident, is a Hispanic male. § 87(2)(b)

**CCRB Testimony**

§ 87(2)(b) provided a telephone statement to the CCRB on May 20, 2011 (encl. 12). On May 15, 2011, at approximately 9:53 p.m., § 87(2)(b) was cleaning the outside of § 87(2)(b) in the Bronx. § 87(2)(b) is the superintendent of the building. § 87(2)(b) (b) was eventually accompanied by § 87(2)(b) and § 87(2)(b). PO Zafar and PO Gall approached the group and said "Get the fuck out of here." PO Zafar told § 87(2)(b) to provide his ID and told him, "Shut the phone off or I'll break it for you." Approximately 10 minutes after PO Zafar and PO Gall approached the group, four additional uniformed officers arrived. A female officer was included in this new group. As these officers were arriving, § 87(2)(b) left the scene.

§ 87(2)(b) did not provide a sworn statement. § 87(2)(b) was contacted by telephone a total of five times and was sent two letters which have not been returned by USPS.

**Witness:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) old at the time of the incident, is a Hispanic female. § 87(2)(b)

**CCRB Testimony**

On May 31, 2011, § 87(2)(b) was contacted by telephone and she provided a telephone statement (encl. 13). On May 15, 2011, at approximately 9:30 p.m., § 87(2)(b) was in front of § 87(2)(b) along with § 87(2)(b) and § 87(2)(b) § 87(2)(b) attempted to explain to PO Zafar that he was waiting for his wife and PO Zafar responded, "I don't give a shit." § 87(2)(b) told PO Zafar that the super of the building was still there and said, "I don't give a fuck." § 87(2)(b) got up to move and PO Zafar called him and asked him for ID, which he provided. § 87(2)(b) asked PO Zafar to wait and asked to call his wife. PO Zafar responded "I don't give a fuck." § 87(2)(b) walked away and stood approximately three buildings away.

PO Gall told § 87(2)(b) to come towards him and § 87(2)(b) gave him his ID. Approximately five minutes after PO Zafar and PO Gall approached, an additional four officers arrived. § 87(2)(b) left the scene after the officers left.

### **Attempts to Contact Civilians**

§ 87(2)(b) was contacted by telephone a total of 5 times between June 2 and June 9, 2011. His address was not obtained. The undersigned investigator spoke with an aunt of § 87(2)(b) who agreed to have him call the undersigned. § 87(2)(b) has not contacted the CCRB as of the date this was written.

### **NYPD Statements:**

#### **Subject Officer: PO KEVIN GALL**

- *PO Gall, § 87(2)(b) old at the time of the incident, is a white male who is 5'11" tall, weighs 160 pounds and has red hair and brown eyes.*
- *On May 15, 2011, PO Gall was assigned to Impact Post 21 in uniform from the hours of 5:30 p.m. to 2:05 a.m. PO Gall was partnered with PO Ahsan Zafar and worked on foot.*
- *On May 25, 2011, PO Gall was assigned to Impact Post 21 from the hours of 5:30 p.m. to 2:05 a.m. and worked with PO Zafar.*

#### **Memo Book**

- On May 15, 2011, at 9:00 p.m., PO Gall issued two summonses to § 87(2)(b) for § 87(2)(b). He noted that he ordered § 87(2)(b) to leave multiple times and that § 87(2)(b) refused to do so and argued with PO Gall and PO Zafar. A summons was also issued to § 87(2)(b) for § 87(2)(b) (encl. 14A-14D).
- PO Gall's memo book does not have any entries directly mentioning interacting with individuals at the alleged location on May 25, 2011. At 6:30 p.m., PO Gall performed a vertical at § 87(2)(b). At 7:49 p.m., he performed a vertical at § 87(2)(b) (encl. 14E-14G).

#### **CCRB Testimony**

PO Gall was interviewed at the CCRB on October 18, 2011 (encl. 15A-15B) and on November 10, 2011 (encl. 15C-15D). On May 15, 2011, at approximately 9:00 p.m., PO Gall and PO Zafar passed a group of approximately four to six individuals in front of § 87(2)(b) in the Bronx. PO Gall and PO Zafar addressed the group and told them to leave the area as soon as possible. PO Gall related that the individuals were blocking the staircase of the building. The officers passed in front of the location two more times and each time told the individuals to move from the area. The third time that the group was approached, PO Gall explained to them that they were blocking the building's staircase. PO Gall did not mention anyone attempting to enter or exit the building while the individuals were on the stairs.

Members of the group stated that they lived there and did not have to move. The individuals did not comply at any point upon being approached by the officers. Neither officer used any profanities when asking the group to move. PO Zafar did not say, "Get the fuck out of here" or "I don't give a fuck" and PO Gall did not make these statements.

PO Gall was shown a photograph of § 87(2)(b) taken at CCRB and he related that he had been at the scene. PO Gall did not recognize § 87(2)(b) from a photograph taken at CCRB. Handcuffs were placed on § 87(2)(b) after he insisted on placing his hands in both front pants pockets after both officers repeatedly told him not to. PO Gall was unsure if he or PO

Zafar placed the handcuffs on him. No physical contact was made with § 87(2)(b) prior to the handcuffs being placed on him. PO Gall could not recall if § 87(2)(b) was frisked, and denied him being searched. Neither officer told any member of the group that they would be arrested for any offense. The handcuffs were taken off of § 87(2)(b) after he stopped moving and PO Gall felt that his own safety would not be compromised. PO Gall could not recall if either individual was using a cellular phone at any point or either officer telling an individual to stop using a phone. Neither officer told any individual that they would break his phone.

Two additional impact officers arrived as backup after one of the officers called for them over the radio. PO Gall could not recall the identities or races of these officers. Descriptions were provided of the officers and PO Gall related that the female officer may have been Officers Guachichulca or Gavilanes and that the male officer may have been PO Altimirano, although he had no recollection of his being there. PO Gall was shown the roll call for the day and this did not refresh his memory as to the officers' identities. None of the officers present told anyone, "Shut the fuck up" or make a remark to the effect of "Get the fuck out" from a building entrance. All of the individuals entered the building after the summonses were issued.

PO Gall had no independent recollection of the alleged incident on May 25, 2011. PO Gall related that he was familiar with a dirt lot being located § 87(2)(b). It was related to him that there was a large group of Hispanic individuals with small children and that PO Zafar would have been present along with a black officer around 6 feet tall in his 20's. PO Gall recalled working with PO Zafar, but could not recall who else was present. He was unaware of PO Zafar having questioned any individual or if he did so.

**Subject Officer: PO AHSAN ZAFAR**

- *PO Zafar, § 87(2)(b) old at the time of the incident, is an Asian male who is 5'9" tall, weighs 180 pounds and has black hair and brown eyes.*
- *On May 15, 2011, PO Zafar was assigned to Impact Post 21A in uniform from the hours of 5:30 p.m. to 2:05 a.m. PO Zafar was partnered with PO Kevin Gall and worked on foot.*
- *On May 25, 2011, PO Zafar was assigned to Impact Post 21 in uniform from the hours of 5:30 p.m. to 2:05 a.m. He was partnered with PO Gall. He was not assigned to a motor vehicle.*

**Memo Book**

- On May 15, 2011, at 10:00 p.m., two males were stopped in front of § 87(2)(b). Impact Post 21 issued three C-Summonses. (encl. 16A-16C).
- PO Zafar does not have any memo book entries directly mentioning interacting with individuals at the alleged location on May 25, 2011. At 6:36 p.m., PO Zafar performed a vertical at § 87(2)(b) (encl. 16D-16F)

**CCRB Testimony**

PO Zafar was interviewed at the CCRB on October 28, 2011 (encl. 17A-17C). PO Zafar could not recall if he had approached the group more than once on May 15, 2011. PO Zafar did not use profanity when telling the group to disperse and did not say, "Get the fuck out of here." He did not hear any officer make this statement. All of the members of the group moved from the location except for two males who stated that they did not want to move and that they lived in the building. No officer said, "I don't give a fuck." Both males were asked for their IDs and § 87(2)(b) refused to provide his ID. § 87(2)(b) provided his ID upon being told by PO Zafar that he would be placed under arrest for obstruction of governmental administration if he refused to comply.

PO Zafar could not recall if either individual used a cellular phone and refused to hang up a call. PO Zafar did not tell either individual that he would break their phone and did not hear any officer say this. § 87(2)(b) repeatedly placed his hands in his pockets. § 87(2)(b) took his hands out of his pockets each time that he was instructed to do so by PO Zafar, but would place his hands back inside shortly afterwards. PO Zafar told him numerous times to take his hands out of his pockets. PO Zafar placed him in handcuffs and frisked his side pants pockets to ensure that he did not have weapons due to the fact that he refused to take his hands out of his pockets and was turning his body. He did not search his pockets. No other officer frisked or searched § 87(2)(b) § 87(2)(b).

Two other officers from the command responded to the scene. PO Zafar could not recall their identities, any pedigree information or if they arrived in a vehicle. Descriptions of the officers were provided to PO Zafar and he related that the female officer may have been Officers Morales or Gavilanes. PO Zafar was unsure of the male officer's identity. PO Zafar was shown the roll call for the date but was unable to recall if any of the officers listed responded to the location. The responding officers stood behind POs Zafar and Gall and did not interact with § 87(2)(b) or § 87(2)(b) verbally. No officer present said, "Shut the fuck up." No officer told one of the individuals to tell a female to "Get the fuck out" from the front of a building entrance or anything to this effect. The males were allowed to leave after being issued summonses.

PO Zafar was unfamiliar with any incident occurring on May 25, 2011, at approximately 8:35 p.m. in between § 87(2)(b) PO Zafar was unfamiliar with any dirt lot at that location. PO Zafar could not recall any incident at the location involving § 87(2)(b) or § 87(2)(b) PO Zafar could not recall any officers approaching and questioning individuals as to why they were at the location.

## **NYPD Documents**

### **SPRINT and Communications CD: Report N14347**

On May 15, 2011, at 9:57 p.m., foot post 21 notes two males being stopped. At 10:00 p.m., a warrant check is performed. At 10:14 p.m., three summonses are served (encl. 18A-18B).

### **Roll Call**

The roll call showed that the following officers who are Hispanic females in their 20's were working impact duty on May 15, 2011: PO Vivian Gavilanes, PO Veronica Guachichullca, PO Yesenia Velazquez, PO Ana Morales and PO Cecilia Pena. The roll call showed the following white male officers assigned to impact: PO Kevin Critelli, PO Theo Roussos, PO Scott Berger, PO Roberto Coduri, PO Christopher Giancontieri, PO Robert Travis, PO Roman Iskhakov and PO Daniel Barkas (19A-19B).

### **Officer Photographs**

Photographs were requested for all of the female officers assigned to impact as well as all of white male officers assigned to impact (encl. 20A-20M).

### **Summonses**

§ 87(2)(b) was issued Summons # § 87(2)(b) for § 87(2)(b) and Summons # § 87(2)(b) for § 87(2)(b) (encl. 21). § 87(2)(b) [§ 86(1)(2)&(4)] § 87(2)(b)



§ 87(2)(b) was issued summons number § 87(2)(b) for § 87(2)(b)  
§ 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)

#### **Status of Civil Proceedings**

- Neither § 87(2)(b) or § 87(2)(b) have filed a Notice of Claim with the City of New York as of January 30, 2011 (encl. 24).

#### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)

#### **Civilians CCRB History**

- This is the first CCRB complaint involving § 87(2)(b)  
§ 87(2)(b) or § 87(2)(b) (encl. 3-6).

#### **Subject Officers CCRB History**

- PO Zafar has been a member of the service for one year and there are no substantiated allegations against him (encl. 1).
- PO Gall has been a member of the service for one year and there are no substantiated allegations against him (encl. 2).

### **Conclusion**

#### **Identification of Subject Officers**

§ 87(2)(b) and § 87(2)(b) both identified PO Zafar by name. § 87(2)(b) identified PO Gall by name. Both officers acknowledged interacting with both individuals. According to the complainants, two officers who were on foot told § 87(2)(b) to “Shut the fuck up.” Attempts were made to identify these officers by narrowing down their identities using the roll call. Attempts to schedule the complainants to view single photographs were also unsuccessful.

#### **Allegations Not Pleaded**

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation A- Discourtesy: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar spoke obscenely and/or rudely to § 87(2)(b)**

**§ 87(2)(b) and § 87(2)(b)**

**Allegation B- Abuse of Authority: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to damage § 87(2)(b)'s property.**

**Allegation E- Abuse of Authority: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar searched § 87(2)(b)**

**Allegation F- Discourtesy: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Kevin Gall spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) related that PO Zafar made a statement to the effect

of, “Get the fuck out of here,” “I don’t give a fuck” and “Shut the fuck up.” § 87(2)(b) alleged that PO Zafar threatened to break his telephone if he did not hang it up. § 87(2)(b) further alleged that PO Zafar searched his pants pockets. § 87(2)(b) also alleged that PO Gall told him to, “Shut the fuck up.”

PO Zafar and PO Gall denied using any profanity including making the aforementioned statements. PO Zafar denied seeing anyone using a telephone and denied saying that he would break the cellular phone of anyone present. PO Zafar denied searching § 87(2)(b)'s person and PO Gall denied observing this occur.

§ 87(2)(g)

**Allegation C- Abuse of Authority: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar threatened to arrest § 87(2)(b)**

**Allegation D- Abuse of Authority: On May 15, 2011, in front of § 87(2)(b) in the Bronx, Officer Ahsan Zafar frisked § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) alleged that they were stopped by PO Zafar and PO Gall as they stood outside of § 87(2)(b) residence. § 87(2)(b) further alleged that PO Zafar threatened to arrest him. § 87(2)(b) also alleged that he was frisked by PO Zafar. The officers stated that the reason for stopping § 87(2)(b) and § 87(2)(b) was to issue them summonses for disorderly conduct after they refused multiple orders to leave the scene. PO Zafar admitted to telling § 87(2)(b) that he could be arrested for obstruction of governmental administration if he continued to refuse to provide ID. PO Zafar also admitted to frisking § 87(2)(b) for his own safety after § 87(2)(b) turned his body and refused to keep his hands out of his pockets. PO Gall also related that § 87(2)(b) repeatedly placed his hands in his pockets after being told not to do so. Although § 87(2)(b) did not admit to refusing to keep his hands out of his pockets, he did admit to other uncooperative behaviors, including not leaving the scene and refusing to hang up his telephone. § 87(2)(g)

People v. Robinson, 847 N.Y.S.2d 898 (2007- Sup. Ct. NY County) (encl. 0A-0B), examines a scenario similar to this case, in which an individual who was being stopped, repeatedly placed his hands inside his pockets after repeatedly being told not to do so. The court decided that the officers’ subsequent frisk of the individual was a “constitutionally justified intrusion” based on the officers’ concern for their physical safety.

§ 87(2)(g)

§ 87(2)(g)

**Allegation G- Discourtesy: On May 15, 2011, in front of § 87(2)(b) officers spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) alleged that two officers that responded on foot told him to, “Shut the fuck up.” The investigation was unable to identify which officers would have been the ones to respond to the incident location. § 87(2)(g)

**Allegation H- Abuse of Authority: On May 25, 2011, § 87(2)(b)**

**in the Bronx, Officer Ahsan Zafar questioned individuals.**

The complainants alleged that PO Zafar questioned a large group that they were in if they had been consuming alcohol. Neither officer had any recollection of interacting with anyone at this location including § 87(2)(b) or § 87(2)(b)

§ 87(2)(g)

Team: 5

Investigator:	_____	Bernardo Gutierrez	3/15/12
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date